

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ETHYL SMITH

v.

US FOODS, INC.

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§

Case No. 5:17CV543-DAE

AGREED STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff Ethyl Smith ("Plaintiff") and Defendant US Foods, Inc. pursuant to FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1), file this Agreed Stipulation of Dismissal as follows:

I.

Plaintiff Ethyl Smith ("Plaintiff") sued Defendant US Foods, Inc. ("Defendant").

II.

Plaintiff asks this court to sign an order of dismissal on all of Plaintiff's claims against Defendant US Foods, Inc. with prejudice to refiling same.

III.

All parties in this matter have conferred and agree to this Stipulation of Dismissal.

Respectfully submitted,

/s/ Sam Beltran

Sam Beltran

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ATTORNEY FOR DEFENDANT

US FOODS, INC.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served upon all counsel of record via electronic service, on this 22nd day of January, 2018.

Sam Beltran

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/s/ S. Wesley Butler